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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,038	10/31/2000	Tony M. Brewer	59182-P004US-10020641	8896

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EXAMINER

TON, ANTHONY T

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/703,038

Applicant(s)

BREWER ET AL.

Examiner

Anthony T Ton

Art Unit

2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED on August 25, 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): claims 4 and 29.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 4 and 29.Claim(s) rejected: 1-3, 5-28 and 30-62.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: Notice of Reference Cited (PTO-892)



PHIRIN SAM
PRIMARY EXAMINER

Continuation of the item 5:

Request for reconsideration has been considered but does NOT place the application in condition for allowance because:

I. Response to Remarks:

Claim 23 recites:

the router system of claim 22 wherein said at least one packet segment is selected from the group consisting of portions of packets that are larger than said chunk payload, portions of packets that are equal in size to said chunk payload, **and** portions of packets that are smaller in size than said chunk payload.

In the mean while, in the Applicants' specification page 9 lines 10-13 states that "Packet header information specifies whether a packet segment contained in the chunk is a packet start or packet end, if that packet segment is the entire packet including both start and end, **or** whether the packet segment is the middle of the packet."

Based on this portion of the Applicants' specification, Examiner respectfully traversed the claimed limitations of the claim 23 versus the specification; however, this disclosure of the specification does not clearly support the claimed limitations of this claim because of two following reasons:

1) the claim claimed a chunk payload; on the other hand, the specification specifies a chunk only (not a chunk payload). This is a difference between the specification and the claim since a chunk includes both a chunk header and a chunk payload.

2) the claim claimed for three conditions of the size of a packet segment, that are larger, equal, **and** smaller in size than said chunk payload. This is another difference between the specification and the claim since the specification specifies either one of these three conditions (using "or", not "and" as that of the claim) as shown below:

Packet header information specifies whether a packet segment contained in the chunk is a packet start or packet end (*portions of packets that are larger than said chunk payload*), if that packet segment is the entire packet including both start and end (*portions of packets that are equal in size to said chunk payload*), **or** whether the packet segment is the middle of the packet (**and** *portions of packets that are smaller in size than said chunk payload*).

Therefore, the Final Rejection to the claim 23 is still maintained because the claimed subject matters of this claim are not adequately specified by the Applicants' specification as mentioned above.

A. Official Notices:

In the rejections of claims 2-4, 19, 27-29, 32, 34, 36, 42, 46, 48, 51-54, and 57-62.

Examiner has reviewed the claimed limitations of these claims very carefully. However, only two dependent claims 4 and 29 are overcome the Final Rejection because the claimed limitations haven't been cited by the prior arts. Therefore, Examiner considered to withdraw the rejections to these two claims; on the other hand, the rejections to the other remaining claims 2, 3, 19, 27, 28, 32, 34, 36, 42, 46, 48, 51-54, and 57-62 are still maintained.

Furthermore, Examiner also provides a number of principle documentary evidence for the prior arts of Official Notices as requested by the Applicants. Please see Notice of Reference Cited PTO-892.

Especially, for claims 2 and 27, which claimed for the location of the framing symbol, is considered as data link escape (DLE) disclosed by *Fred Halsall* in Fig.3.6(b) in Chapter 3.2.3 pages 110 and 111 of his book titled *Data Communications, Computer Network and Open Systems*, Fourth Edition, published by Addison-Wesley Publishing Company, in 1996.

Also, the 16-byte length of the framing symbol, which cited in claims 3 and 28, is disclosed by Ghuman et al. (US Patent No. 6,081,570) in col.11 lines 50-59. In which, Ghuman disclosed a TRAILER block 244 that permits up to 8 bytes of frame status or 16 bytes of timecode generated by the timecode subsystem 90 (in Fig.6) to be appended to each data frame in response to status enable, time data, and time enable control signals applied to the lines 268, 270 and 272 as shown in Fig.14.

In addition, the chunk header includes identification of source port and destination port of the chunk, which claimed in claims 19 and 42, is also disclosed by Lidinsky et al. (US Patent No. 4,922,486). Please see col.3 lines 17-27, col.60 line 60 – col.61 line 11, and col.64 lines 38-57.

B. The Rejections using the combination of Woodward and Miles:

The Final Action rejects claims 1-4, 14-22, 24-29, 37-48, 53, and 57-62.

These rejections are still maintained to the claims 1-3, 14-22, 24-28, 37-48, 53, and 57-62 because *Woodward* has cited such claimed limitations “substantially fixed sized chunks, each said chunk being formatted to include a frame symbol.” (see Fig.1 for multiple ATM cells 10 and 20 encapsulated in another super cell 30, and Fragment Type and see col.4 line 64 – col.6 line 16 for specifying of such a Fragment Type). Note: Examiner only withdraws the rejections to claims 4 and 29.

C. The Rejections using a combination of Woodward, Miles and Feldmeier:

The Final Action rejects claims 5, 6, 11, 12, 30, 31, 55 and 56.

These rejections are still maintained because because *Woodward* has cited such claimed limitations "substantially fixed sized chunks, each said chunk being formatted to include a frame symbol." as described in the part B above.

D. The Rejections using a combination of Woodward, Miles and Spendley:

The Final Action rejects claims 7-10, 33-36, 49, and 50-52.

These rejections are still maintained because because *Woodward* has cited such claimed limitations "substantially fixed sized chunks, each said chunk being formatted to include a frame symbol." as described in the part B above.

E. The Rejections using a combination of Woodward, Miles and Enns:

The Final Action rejects claims 13, 32, and 54.

These rejections are still maintained because because *Woodward* has cited such claimed limitations "substantially fixed sized chunks, each said chunk being formatted to include a frame symbol." as described in the part B above.

II. Conclusion:

Examiner carefully traversed the claimed limitations of the claims. However, the rejections to claims 1-3, 5-28, and 30-62 are still maintained in view of the prior arts; and

Claims 4 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Respectfully submitted,

by : *AT*

Anthony T. Ton

Patent Examiner

October 27, 2004



PHIRIN SAM
PRIMARY EXAMINER